IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 18807 of 1995

Between:

M/s. Santhi Wooden Furniture Works, Viswanatharaopet (Ramaswamypalem), H/o. Kovurupalli, BogoleMandal, Nellore District, represented by its sole proprietor N. Santhakumar, S/o Subba Rao.

..... PETITIONER

AND

1 The Co-Op., Sub-Registrar, and Special Officer,
District Industrial Center Nellore, Nellore District.
2 Bitragunta Carpenter & Blacksmiths Co-Op. Society,
represented by its Person Incharge, Viswanatharaopet,
Bogole Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction particularly one in the nature of writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioner from his small scale industry namely M/s. Santhi Wooden Funiture Works situated in Sy.No.301/2 of Viswanatharaopet (Ramaswamypalem) H/o. Kovurupalli, Bogole Mandal, Nellore District, as illegal, arbitrary, without authority and consequently direct the respondents not to interfere with the petitioner's workshop in any manner.

For the Petitioner: MR.P.SRIDHAR REDDY, Advocate

For the Respondents: GP FOR INDUSTRIES & COMMERCE

The Court made the following :

ORDER:

This writ petition is filed seeking to declare the action of the respondents in trying to dispossess the petitioner from his small scale industry, namely, M/s. Santhi Wooden Furniture Works, as illegal and arbitrary and consequently to direct the respondents not to interfere with the petitioner's industry.

The petitioner claims to be owner of an extent of Ac.0-01 cent of land situated in survey No.301/2 of Viswanatharaopet village (Ramaswamypalem), Hamlet of Kovurupalli, Bogole Mandal of Nellore District. He has been carrying on carpentry works in the said land by raising sheds, under the name and style of M/s. Santhi Wood Furniture Works, which was registered as Small-scale industrial unit with District Industrial Centre, Nellore. He states that earlier his father was doing carpentry works for the last forty-five years in the said land, which is situated adjacent to the second respondent-society. The petitioner states that he is a member of the second respondent-society and his father was its President for two terms. While so, the first respondent-Special Officer & Person Incharge of the second respondent-society, who is inimical towards the father of the petitioner, issued a notice dated 12-11-1994 directing the petitioner to vacate from the land in question by 22-11-1994, stating that he is an encroacher of the said land, which belongs to the second respondent-society. Thereupon, the father of the petitioner, on whom the notice issued by the first respondent was served, submitted a representation, by registered post with acknowledgement due, on behalf of the petitioner on 25-11-1994, stating that the land in question belongs to him and since 1960 he has been in possession and enjoyment of the same, and the second respondent-industrial society has nothing to do with it. It is stated that on 22-11-1994, the first respondent put a lock to the property, and though a request was made to the first respondent in the representation submitted by the father of the petitioner, to remove the lock put to the property, no action has been taken, and on the other hand, the respondents are trying to dispossess the petitioner from the land in question. Apprehending dispossession from the land in question, the petitioner filed the present writ petition.

Denying the allegations made in the affidavit filed in support of the writ petition, the first respondent filed counter-affidavit stating that the land in question did not belong to the petitioner or his father, and it was originally belonged to Viswanatharaopet Gram Panchayat and later it was handed over to the second respondent-society. It is stated that the father of the petitioner during his presidentship of the second respondent-society might have allowed the petitioner to start carpentry industry in the land in question. The petitioner has no right whatsoever on the land in question. Thus, the first respondent prays to dismiss the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Industries & Commerce.

Admittedly, to the notice, dated 12-11-1994 issued by the first respondent directing the petitioner to vacate from the land in question, the father of the petitioner submitted a representation, dated 25-11-1994, to the first respondent, by registered post with acknoweldgement due, stating that the land in question belongs to him and since 1960 he has been in possession and enjoyment of the same, but it appears, no orders have been passed thereon.

The learned Government Pleader submitted that in view of the pendency of the writ petition, no orders have been passed by the first respondent on the representation submitted by the father of the petitioner.

Under the circumstances, without going into the merits of the case, I deem it appropriate to direct the first respondent to consider the representation, dated 25-11-1994, submitted by Mr. N. Subbarao, on behalf of his son, the petitioner herein, and pass appropriate orders thereon.

With the above direction, the writ petition is disposed of. No costs.

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N.V. RAMANA, J

Date: 19-11-2004

Svv

To

1 The Co-Operative Sub-Registrar and Special Officer,
District Industrial Center, Nellore, Nellore District.
2 The Person Incharge, Bitragunta Carpenter & Blacksmiths Co-Op.
Society, Viswanatharaopet, Bogole Mandal, Nellore District.

3 Two CCs. to the Government Pleader for Industries & Commerce,
High Court Buildings, A.P., Hyderabad (OUT).

4 Two CD copies.